

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CHOICE BANK, LTD.

Plaintiff,

vs.

BANCREDITO
CORPORATION

INTERNATIONAL

BANK

Defendant.

Civil No. 18-1288 (FAB)

RE: BREACH OF CONTRACT,
DAMAGES, DECLARATORY
JUDGMENT, INJUNCTION AND
ATTORNEY'S FEES

MOTION TO WITHDRAW CONSIGNED FUNDS

TO THE HONORABLE COURT:

COMES NOW, Cedric D. Flowers ("the Liquidator"), as Liquidator of Plaintiff Choice Bank Ltd. ("CBL"), respectfully states, alleges, and prays as follows:

(1) On August 3, 2018, the Liquidator filed a motion titled *Motion to Dismiss Counterclaim under FRCP 12(b)(3), Request to Withdraw Consigned Funds and Request for Order to Turn Over Choice Bank Financial's Funds to the Liquidator*. See Docket No. 55. In that motion, the Liquidator requested that the Court (1) dismiss Defendant's counterclaim pursuant to Fed. R. Civ. P. 12(b)(3); (2) enter an order allowing the Liquidator to withdraw CBL's funds that have been consigned with the Court at Docket No. 44; and (3) order Defendant to turn over Choice Financial International's ("CFI") funds to the Liquidator.

(2) On August 8, 2018, Defendant filed an Opposition to the Liquidator's motion to dismiss the counterclaim. See Docket No. 58.

(3) In its Opposition, Defendant solely objected to and argued against the dismissal of its counterclaim under Fed. R. Civ. P. 12(b)(3) and informed that it would file an Interpleader Complaint in connection with CFI's funds. Defendant did not address or oppose the Liquidator's request to withdraw the funds that were consigned with the Court at Docket No. 44. See Docket No. 58.

(4) Having this unopposed request before it, this Court should grant the Liquidator's motion and allow the Liquidator to withdraw the funds consigned with the Court.

WHEREFORE, the Liquidator respectfully requests that the Court enter an Order allowing it to withdraw CBL's funds from the Court (\$12,726,460.80 with any interests accrued).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of August, 2018.

I HEREBY CERTIFY: That on this date a true and exact copy of the foregoing document has been filed with the Clerk of Court using the CM/ECF system, which automatically serves notification of the filing to all parties of interest.

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